



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 1887-00
16 August 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, a more favorable type of discharge and reenlistment code.

2. The Board, consisting of Messrs. Silberman and Vaughan and Ms. Hardbower reviewed Petitioner's allegations of error and injustice on 9 August 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Naval Reserve on 29 November 1990 for eight years at age 21. He was ordered to active duty

for 24 months on 19 December 1990. He was advanced to FN (E-3) and served without incident until 3 June 1992 when he was referred to a clinical psychologist due to adjustment difficulties due to separation from his spouse. The clinical psychologist recommended that Petitioner be discharged due to an ongoing adjustment disorder which was considered of sufficient severity to impair adequate functioning in the Navy. Although Petitioner did not have a diagnosed personality disorder, his personality traits were of sufficiently severe that continued pressure or stress could result in a personality decompensation (loss of reality testing and ability to function). Recent suicidal thinking could result in a gesture, or attempt, especially with a predisposition to abuse alcohol.

d. On 9 June 1992 Petitioner was notified that he was being considered for discharge under honorable conditions by reason of personality disorder. He was advised of his rights, declined to consult with counsel, and waived his rights. Incident to his separation, an adverse performance evaluation was referred to him for comment. He was assigned adverse marks of 1.0 in the rating categories of reliability, military bearing, and personal behavior; and a mark of 2.0 in rate knowledge. He declined to rebut the evaluation. Thereafter, the discharge authority directed a general discharge by reason of "other physical/mental conditions-personality disorder." Petitioner was so discharged on 26 June 1992 and assigned an RE-4 reenlistment code.

e. Character of service is based, in part, on military behavior and overall trait averages which are computed from marks assigned during periodic evaluations. Petitioner's military behavior and overall traits averages were 2.5 and 2.8, respectively. A minimum average mark of 3.0 was required in military behavior for a fully honorable characterization at the time of his discharge.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action. In this regard, the Board notes Petitioner was not diagnosed as having a personality disorder, but only an adjustment disorder. Therefore, the Board believes that the reason for separation was erroneous and should be changed. The Board further notes that Petitioner had no disciplinary actions

in more than 18 months of service. Had he been assigned a mark of 2.0 in military behavior instead of a 1.0, he would have received an honorable discharge. It appears to the Board the low mark of 1.0 was arbitrarily assigned to prevent him from receiving a fully honorable discharge. Accordingly, the Board concludes that it would be appropriate and just to change the reason for separation to "best interest of the service" and to recharacterize his general discharge to honorable as an exception to policy.

The Navy views suicidal ideation or gestures with grave concern since individuals with such problems pose a potential risk for harm to themselves and others if retained. Therefore, the Board concludes that the reenlistment code was is proper and no change is warranted.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was honorably discharged on 26 June 1992 by reason of "Secretary Plenary Authority" vice the general discharge issued on that date.

b. That no further relief be granted.

d. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER
Executive Director